

REMARKS

In response to the Final Office Action mailed on June 11, 2008, the Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1, 13, and 22 have been amended. Support for the amendments can be found in the specification at least on page 15, lines 1-28. Consequently, no new matter has been added.

Claims 1-22 remain pending in the application. In the Office Action:

1. Claims 1, 3, and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Coile et al. (U.S. Patent No. 6,108,300, hereinafter "Coile");
2. Claims 2, 5, 6, 11, 13-15, 20, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Ashton et al. (U.S. Patent No. 6,181,679, hereinafter "Ashton");
3. Claims 7-9, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Daley (U.S. Patent No. 5,650,994, hereinafter "Daley");
4. Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Wahl et al. (U.S. Pat. Pub. No. 2002/0089985, hereinafter "Wahl");
5. Claims 16-18 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Ashton and further in view of Daley; and
6. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Ashton and further in view of Wahl.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 3, and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Coile. The rejection of these claims is respectfully traversed.

Amended claim 1 specifies a method for fail-safe renaming of logical circuit identifiers for rerouted logical circuits in a data network. The method includes providing a network management module; for renaming a first logical circuit identifier for a first logical circuit in the data network to a second logical circuit identifier for a second logical circuit utilized for rerouting data from the first logical circuit in the data network; and receiving a customer report indicating a network circuit failure in the data network, wherein indicating a network failure comprises receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or

cells; identifying, in response to the customer report, a failure in the logical circuit; and renaming, in response to the failure, a logical circuit label for the first logical circuit in a logical element module in communication with the network management module, wherein the renamed logical circuit label is utilized to indicate that the logical circuit data from the first logical circuit has been rerouted, and wherein the renamed logical circuit label includes the status of the failed logical circuit and indicates that the logical circuit identified by a customer ID for communicating data between a first and second location has been rerouted.

It is respectfully submitted that Coile fails to teach or suggest each and every feature specified in amended claim 1. For example, Coile fails to teach receiving a customer report indicating a network circuit failure in the data network, wherein indicating a network failure comprises receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells, and identifying, in response to the customer report, a failure in the logical circuit.

In contrast, Coile merely discloses a PING test consisting of sending out a broadcast PING request and a unit counting all received packets for up to 5 seconds. See col. 11, lines 11-13. If any packets are received at any time during this interval an interface is considered operational and testing stops. See col. 11, lines 13-15. If no traffic is received it is noted that no traffic was received. See col. 11, lines 16-17. The PING test ends when the device has concluded the test of its network interface and has either determined that it has failed or the remote device has failed. See col. 11, lines 19-22.

Consequently, Coile merely discusses a PING test to determine if traffic is received or not. Therefore, Coile fails to disclose receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit. Rather,

Coile is silent regarding receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Thus, based on the foregoing, amended claim 1 is allowable over Coile and the rejection of this claim should be withdrawn. Claims 1, 3, and 4 depend from amended claim 1, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 2, 5, 6, 11, 13-15, 20, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Ashton. The rejection of these claims is respectfully traversed.

Amended claim 13 specifies a system for fail-safe renaming of logical circuit identifiers for rerouted logical circuits in a data network. The system includes a network device for establishing a communication path for a logical circuit and a logical failover circuit in the data network; a logical element module in communication with the network device for configuring the logical circuit and the logical failover circuit; and a network management module, in communication with the logical element module, for: receiving a customer report indicating a network circuit failure in the data network, wherein indicating a network failure comprises receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells; identifying, in response to the received customer report, a failure in the logical circuit; deleting the communication path for the failed logical circuit in the network device; establishing the communication path for the logical failover circuit to reroute the data from the failed logical

circuit; assigning a logical failover circuit identifier to identify the logical failover circuit; renaming a logical circuit identifier for the failed logical circuit to the logical failover circuit identifier in the network database; and renaming a logical circuit label, in response to the failure, for the failed logical circuit in the logical element module, wherein the renamed logical circuit label is utilized to indicate that the logical circuit data from the failed logical circuit has been rerouted, and wherein the renamed logical circuit label includes the status of the failed logical circuit and indicates that the logical circuit identified by a customer ID for communicating data between a first and second location has been rerouted.

It is respectfully submitted that the combination of Coile and Ashton fails to teach, disclose, or suggest each of the features specified in amended claim 13. For example, the aforementioned combination fails to disclose receiving a customer report indicating a network circuit failure in the data network, wherein indicating a network failure comprises receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells, and identifying, in response to the customer report, a failure in the logical circuit.

In contrast, Coile merely discloses a PING test consisting of sending out a broadcast PING request and a unit counting all received packets for up to 5 seconds. See col. 11, lines 11-13. If any packets are received at any time during this interval an interface is considered operational and testing stops. See col. 11, lines 13-15. If no traffic is received it is noted that no traffic was received. See col. 11, lines 16-17. The PING test ends when the device has concluded the test of its network interface and has either determined that it has failed or the remote device has failed. See col. 11, lines 19-22.

Consequently, Coile merely discusses a PING test to determine if traffic is received or not. Therefore, Coile fails to disclose receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit. Rather, Coile is silent regarding receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Ashton fails to overcome Coile's deficiencies. In contrast, Ashton merely discusses using forward network information to control the network. See col. 13, lines 56-65. Consequently, Ashton fails to disclose receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Based on the foregoing, amended claim 13 is allowable over the combination of Coile and Ashton and the rejection of this claim should be withdrawn. Claims 14, 15, and 20 depend from amended claim 13, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Amended independent claim 22 specifies similar features as amended claim 13 and thus is allowable over Coile and Ashton for at least the same reasons. Based on the foregoing, the combination of Coile and Ashton fails to teach, disclose, or suggest each of the features specified in claim 22. Therefore, claim 22 is allowable and the rejection of this claim should be also withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 7-9, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Daley. The rejection of these claims is respectfully traversed.

Claims 7-9 and 12 depend from amended independent claim 1 and thus specify at least the same features. As discussed above, Coile fails to teach, disclose, or suggest receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Daley fails to overcome Coile's deficiencies. Daley merely discusses an operational support system including service creation, service activation, and service control functions to provide on-line service activation for video information providers (VIPs) and video information users (VIUs) on a video dial tone network. See Abstract. Consequently, Daley fails to disclose receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Based on the foregoing, the combination of Coile and Daley fail to teach, disclose, or suggest each of the features specified in claims 7-9, and 12. Therefore, claims 7-9 and 12 are allowable and the rejection of these claims should be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Wahl. The rejection of these claims is respectfully traversed.

Claim 10 depends from amended independent claim 1 and thus specifies at least the same features. As discussed above, Coile fails to teach, disclose, or suggest receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Wahl fails to overcome Coile's deficiencies. Wahl merely discusses an access control unit to interface one ATM core network and at least one bidirectional access network. See

Abstract. Consequently, Wahl fails to disclose receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Based on the foregoing, the combination of Coile and Wahl fail to teach, disclose, or suggest each of the features specified in claim 10. Therefore, claim 10 is allowable and the rejection of this claim should be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 16-18, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Ashton and further in view of Daley. The rejection of these claims is respectfully traversed.

Claims 16-18 and 21 depend from amended independent claim 13 and thus specifies at least the same features. As discussed above, Coile, Ashton, and Daley, individually or in combination, fail to teach, disclose, or suggest receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Consequently, the combination of Coile, Ashton, and Daley to teach, disclose, or suggest each of the features specified in claims 16-18 and 21. Therefore, claims 16-18 and 21 are allowable and the rejection of this claim should be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Coile in view of Ashton and further in view of Wahl. The rejection of these claims is respectfully traversed.

Claim 19 depends from amended independent claim 13 and thus specifies at least the same features. As discussed above, Coile, Ashton, and Wahl, individually or in combination, fail

to teach, disclose, or suggest receiving a customer report indicating a network circuit failure and identifying, in response to the customer report, a failure in the logical circuit.

Consequently, the combination of Coile, Ashton, and Wahl to teach, disclose, or suggest each of the features specified in claim 19. Therefore, claim 19 is allowable and the rejection of this claim should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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